

UNITED STATES DISTRICT COURT

for the

Eastern District of Pennsylvania

United States of America

v.

Joseph Marcus

Case No. 17- 1449-M

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of May 26th and October 26, 2017 in the county of Northampton in the
Eastern District of Pennsylvania, the defendant(s) violated:

Code Section

18 U.S.C. § 2252(a)(4)(B).

Offense Description

Possession and access with intent to view child pornography

FILED

OCT 26 2017

KATE BARKMAN, Clerk
By _____ Dep. Clerk

This criminal complaint is based on these facts:
 SEE ATTACHED AFFIDAVIT.

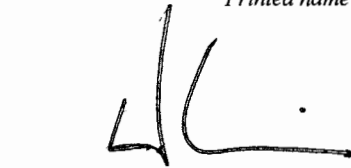
☒ Continued on the attached sheet.

 Complainant's signature

Joshua Conrad, Special Agent HSI

Printed name and title

Sworn to before me and signed in my presence.

Date: 10/26/2017


Judge's signature

City and state: Allentown, PA

The Hon. Henry S. Perkin, U.S. Magistrate Judge

Printed name and title

AFFIDAVIT OF PROBABLE CAUSE

I, Joshua Conrad, a Special Agent (SA) with Homeland Security Investigations (HSI), being duly sworn, depose and state as follows:

1. I am a Special Agent with the Department of Homeland Security, Immigration and Customs Enforcement, Homeland Security Investigations ("HSI"), assigned to the Special Agent in Charge in Philadelphia, PA and I have been so employed since April, 2016. Prior to that, I was assigned to the Special Agent in Charge in El Paso, Texas since October 2010. As part of my daily duties as an HSI agent, I investigate criminal violations relating to child exploitation and child pornography including violations pertaining to the illegal distribution, receipt and possession of child pornography, in violation of 18 U.S.C. §§ 2252 and 2252A. I have had the opportunity to observe and review numerous examples of child pornography (as defined in 18 U.S.C. § 2256) in all forms of media including computer media. I have also participated in the execution of numerous search warrants, a number of which involved child exploitation and/or child pornography offenses.

2. As a Federal Agent, I am authorized to investigate violations of laws of the United States and to execute warrants issued under the authority of the United States.

3. The statements in this Affidavit are based in part on my investigation. Since this affidavit is being submitted for the limited purpose of securing an arrest warrant, I have not included each and every fact known to me concerning this investigation.

4. I submit there is probable cause to believe that on or about May 26, 2017, and again on October 26, 2017, Joseph Marcus, knowingly possessed and accessed with intent to view, child pornography, in violation of Title 18, United States Code, Section 2252(a)(4)(B), which states

"any person who – knowingly possesses, or knowingly accesses with intent to view, 1 or more books, magazines, periodicals, films, video tapes, or other matter which contain any visual depiction that has been mailed, or has been shipped or transported using any means of interstate or foreign commerce or in a or affecting interstate or foreign commerce, or which was produced using materials which have been mailed or so shipped or transported by any means including by computer, if – (i) the producing of such visual depiction involves the use of a minor engaging in sexually explicit conduct; and (ii) such visual depiction is of such conduct" is punishable.

5. On May 31, 2017, I created an online identity to access Internet Relay Chat (IRC) Chat Rooms. Internet Relay Chat (IRC) is an application layer protocol that facilitates communication in the form of text. IRC is mainly designed for group communication in discussion forums called channels, but also allows one-on-one communication via private messages as well as chat and data transfer, including file sharing. I used this undercover online identity to join multiple channels, which were forums for potential targets interested in engaging in sexual activities with minors.

6. On May 31, 2017, I logged into a channel on the Undernet network within IRC, #0!!!!!!!!!!PEDOMOMS. Undernet is one of the largest publicly monitored IRC networks. Undernet limits channel registration to “established channels” or channels with an active user base. Undernet has approximately 19 client servers and about 6,621 channels. Channels are the basic means of communicating to a group of users in an established IRC session. Channels on a network can be displayed using the IRC command, “LIST,” which lists all currently available channels that are not secret or private. Channels that are available across an entire IRC network are prefixed with a number sign (#), i.e. #!000000Pedomoms.

7. While in this room, an unidentified user posted the following comment, “But this has to be the all time best kiddy porn pedomom ever” and then the user posted a link to a video (<http://putvid.net/files/sbQvNlzB/Mom-daugg.mp4>). I clicked on the link, and proceeded to download the video. I viewed the video and determined that the footage was in fact child pornography, and is described as follows: The video titled “Mom-daugg.mp4” is thirty-three minutes and eleven seconds in length. The video begins with a pre-pubescent female lying naked on a bed with her legs spread exposing her vagina. An adult female enters the picture and begins performing oral sex on the child. The adult female then asks the child, “Does that feel good, you like Mommy to lick it. You like it when Daddy licks it too, huh?” The adult female then applies lubricant to a purple sex toy and begins to vaginally penetrate the child. The adult female then lies naked on the bed and has the female child perform oral sex on her. The adult female then performs oral sex on the female child while digitally penetrating the child’s anus.

8. On May 31, 2017, I contacted the owners of putvid.net to determine when the video was posted to the website, what IP address posted the video, and the IP addresses of users who downloaded the video. On June 14, 2017, putvid.net provided the access logs for all of the IP addresses and date/times of access that downloaded the posted video. One of the IP addresses that downloaded the video was 64.121.172.44, which accessed the file on May 26, 2017.

9. On August 7, 2017 a Department of Homeland Security Summons was issued to RCN Telecom Services, LLC for subscriber information pertaining to IP address 64.121.172.44.

10. On August 18, 2017, Subsentio responded on behalf of RCN Telecom Services, LLC. and produced business records indicating the following subscriber information:

Customer Name: Joseph K Marcus

Customer Address: (address known to law enforcement) Easton, PA 18042

11. On or about August 21, 2017, I conducted an address check in CLEAR, a law enforcement database that compiles public records. Individuals listed as recently using the target address include Joseph K. Marcus (DOB: xx/xx/1966). CLEAR reported that Joseph K. MARCUS had previously been convicted of possession of child pornography. I conducted a records check in the National Crime Information Center (NCIC) for Joseph MARCUS. NCIC records show that MARCUS was arrested in April 2008. MARCUS was convicted in February 2009 for activities relating to material constituting or containing child pornography.

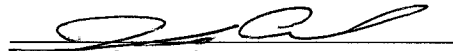
12. On October 26, 2017, a search warrant was executed on Marcus' residence in Easton, Pennsylvania. Marcus was home at the time of the search warrant execution. Among other evidence, law enforcement seized a Dell Inspiron 700m. A forensic preview of the Dell Inspiron revealed that an Internet browser was open and active with several tabs open. One of the active tabs was for a putvid.net site which was a paused video. The video was titled "esp430.mp4," and had a file path "putvid.net/files/QVjxMuXC/esp430.mp4." The video depicted a naked girl, approximately 5-7 years of age, with an object that appears to be a blue in color hose inserted in her vaginal area. In addition, IRC log files documented many chat communication with others. Marcus' IRC nickname were "SweetLilAss," and "YoungFAss." Marcus was communicating with other IRC users, including some with the following names: "pedodoctor," "pedoporndad," "pedoman41dk," "peddadbi" and "preteensnuffsex."

13. Marcus was told he did not have to speak to law enforcement and was free to leave at any time. I did request to speak to Marcus and he agreed. Marcus initially denied using the computer and then later stated he did in fact use the Dell Inspiron laptop. He admitted in times of stress, he will chat on the IRC channels to relieve his stress. I informed Marcus of the video that was playing on the Dell Inspiron and questioned him about it. He stated he remembers the IRC

room #bestposters, where he stated he saw the picture of a girl and the link, and clicked on the link and the video started playing. He also stated he remembers being sent the link to the putvid video.

CONCLUSION

14. Your affiant, therefore, respectfully requests that the arrest warrant be issued authorizing the arrest of Joseph Marcus


Joshua Conrad
Special Agent
Homeland Security Investigations

Sworn and subscribed before me this 26th of October, 2017.


HENRY S. PERKIN
UNITED STATES MAGISTRATE JUDGE